

FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OCT 08 2019

CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA

In re:

Walter D. Leake
Deana L. Cicconi

Debtor(s).

: Case No.: 14-23894
: Chapter: 13
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:
:
:
:
Date: 10/8/2019
Time: 09:00

PROCEEDING MEMO

MATTER: #60 - Motion to Allow Filing of Late Claim by Wilmington Savings Fund Society, FSB
62 - Response filed by the ch.13 trustee
63 - Exhibit A to Trustee's Response

APPEARANCES:

Debtor: Daniel R. White
Trustee: Jana Pail
Wilmington Savings Fund: James Warmbrodt

NOTES:
(9:22)

Warmbrodt: We were unable to file a proof of claim because our predecessor in rights did not. We learned that CitiFinancial had waived their claim. I'd like to request more time to determine what CitiFinancial is doing

Court: Is there some other basis to allow the late filing? The matter may not be set for proper disposition before me today.

Pail: I was also wondering if it would be best to dismiss the motion, but that doesn't make the problem go away. We need to know whether the mortgage needs to be paid or satisfied. There is approx. \$29,000 left, and it has to go somewhere. It's a 0% plan, and the unsecured creditors would benefit if the mortgage was satisfied.

Court: While it gets to the issue tangentially, it doesn't seem to deal with it in the end. We may need to have CitiFinancial here to hear from them as well.

Warmbrodt: We have no objection to dismissal.

Court: We'll take up the issue again at the proper time once the proper papers are filed.

OUTCOME:

1. Wilmington Savings Fund Society's *Motion to Allow Filing of Late Claim* [Dkt. No. 60] is DENIED without prejudice. Furthermore, nothing shall prevent Wilmington from filing a transfer of claim in the absence of a original proof of claim. Wilmington shall consult with the Clerk's Office to the extent it has any questions as to the proper docketing event to utilize in that regard. Nothing in the order shall be deemed a determination as to whether CitiFinancial's claim remains unsatisfied or was waived and/or released, and the rights and defenses of all parties, including Wilmington and the Chapter 13 trustee, are hereby reserved. [Text Order to Issue]

DATED: 10/8/2019